

**AMENDMENTS TO THE DRAWINGS**

The attached drawing replacement sheets make changes to Figs. 1-3 and replace the sheets filed on July 8, 2008, including Figs. 1-4, with the attached sheets including Figs. 1-4.

Attachment: Replacement Sheets (3)

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1, 3-13 and 15 are pending in this application. Claims 1 and 15 are independent. By this Amendment, claims 1, 6 and 15 are amended. Support for the amendments can be found, for example, in Figs. 1 and 2. The specification and Figs. 1-3 also are amended to correct informalities. No new matter is added.

### I. Objection to the Drawings

The Office Action objects to the Drawings because of informalities. First, the replacement sheets have been numbered "Sheet 1 of 3", etc. as requested by the Examiner. Second, paragraph [0012] is amended to be consistent with the cross-sectional view shown in Fig. 4. Third, all of the lines for reference numerals 4, 10, 11, 10b, 11b, 14, 15, 14b, 15b, 17, 20 and 21 in Figs. 1-3 are changed to dashed lines. Fourth, the description in paragraphs [0020] and [0021] is not inconsistent with the drawings, as discussed below. Fifth, Figs. 1-3 are amended to indicate the pocket (see reference symbol "P"). Sixth, the lines of attachment are clearly shown in Figs. 1-3 (see reference numerals "8a" and "9a"). In view of the above, withdrawal of the drawing objections is respectfully requested.

### II. Objection to the Specification

The Office Action objects to the specification because of informalities. First, paragraphs [0020] and [0021] of the specification amended on January 22, 2009 are not inconsistent with the drawings as suggested by the Office Action. Previously amended paragraphs [0020] and [0021] state that the attachment points (i.e., reference numerals 10a, 10b, 11a, 11b, 14a, 14b, 15a, 15b) are *near* the front edge

12 and *near* the rear edge 13, respectively, of the diaper 1. This is clearly shown in Figs. 1-3. Specifically, while the attachment points are "on" respective front and rear *portions* of the article (i.e., see reference numerals 5 and 7), none of the attachment points (i.e., reference numerals 10a, 10b, 11a, 11b, 14a, 14b, 15a, 15b) contact the front *edge* 12 or the rear *edge* 13 of the article. That is, none of the attachment points (i.e., reference numerals 10a, 10b, 11a, 11b, 14a, 14b, 15a, 15b) are "on" the front edge 12 or the rear edge 13. Accordingly, paragraphs [0020] and [0021] of the specification amended on January 22, 2009 are not inconsistent with the drawings as suggested by the Office Action, and should not be changed to state that the attachment points are "on" the rear edge as suggested by the Office Action.

Second, paragraphs [0022], [0032] and [0035] are amended to obviate the objection by clarifying that the longitudinal fold is also a line of attachment. Claim 3 does not need to recite both the longitudinal fold and the line of attachment.

Withdrawal of the objections is respectfully requested.

### **III. Objection to the Claims**

The Office Action objects to claims 1, 3-13 and 15 because of ", when" recited in independent claims 1 and 15. Claims 1 and 15 are amended to delete ", when" as suggested by the Examiner to clarify the claims. Withdrawal of the objection is respectfully requested.

### **IV. 35 U.S.C. §112, First Paragraph, Rejection**

The Office Action rejects claims 1, 3-13 and 15 under 35 U.S.C. §112, first paragraph. The rejection is respectfully traversed. It was indicated in the response filed January 22, 2009 that the amendments were supported in at least paragraph [0038] "of the published specification", i.e., U.S. Patent Application Publication No.

2004/0181202 A1, rather than the specification as filed. The published paragraph corresponds to paragraph [0032] of the originally filed specification. This paragraph discusses the rear part of each side barrier.

The Office Action asserts that the claims do not explicitly recite that the pocket extends *laterally* beyond the first and second lines of attachment. In this regard, independent claims are amended to explicitly define that the pocket extends to the rear edge of the article and beyond the first and second lines of attachment *in the transverse direction of the article*. These features are apparent from at least Figs. 1 and 2 and paragraph [0032] of the originally filed specification.

Further, claims 6 and 15 are amended to clarify that the attachment points of the further elastic element extend outside the attachment points of the elastic elements in the side barriers.

Accordingly, withdrawal of the rejection is respectfully requested.

**V. 35 U.S.C. §112, Second Paragraph, Rejection**

The Office Action rejects claims 6 and 15 under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed. As discussed above, claims 6 and 15 are amended to obviate the rejection by clarifying that the attachment points of the further elastic element extend outside the attachment points of the elastic elements in the side barriers. Thus, withdrawal of the rejection is respectfully requested.

**VI. Prior Art Rejections**

The Office Action rejects claims 1, 3-7, 11-13 and 15 under 35 U.S.C. §103(a) over Suzuki, JP-A-64-77607, in view of Robertson, U.S. Patent No. 5,026,364, and Olsson et al. ("Olsson"), U.S. Patent No. 5,746,428; or alternatively under 35 U.S.C.

§103(a) over Suzuki in view of Robertson and Sageser et al. ("Sageser"), U.S. Patent No. 5,496,428, and further in view of Olsson; and rejects claims 8-10 under 35 U.S.C. §103(a) over Suzuki in view of Robertson, Sageser and Olsson. The rejections are respectfully traversed.

The combination of applied references fails to disclose, and would not have rendered obvious, the combination of features recited in the independent claims, including, an absorbent article including a rear barrier formed in the rear portion and attached to the article along the rear edge of the article, and that a first side barrier is secured to the cover sheet of the article to form a first line of attachment, and a second side barrier is secured to the cover sheet to form a second line of attachment, the first and second lines of attachment extending under the rear barrier, and the first and second side barriers forming a pocket with the rear barrier, the pocket extending to the rear edge of the article and beyond the first and second lines of attachment in the transverse direction of the article, as recited in independent claim 1 and similarly recited in independent claim 15.

The Office Action acknowledges that Suzuki fails to disclose a rear barrier formed in the rear portion of the article as recited in independent claims 1 and 15. Thus, Suzuki necessarily fails to disclose the above features. Sageser also fails to disclose a rear barrier, and therefore fails to overcome the deficiencies of Suzuki. Robertson discloses a diaper 20 having barrier cuffs 62 attached to a liquid receiving surface 40 at an edge attachment 98 (see Figs. 1 and 2). Robertson further discloses a waistcap/waistband 78 (see Fig. 1). As shown in FIG. 1 of Robertson, the second edge 66 of the barrier cuffs 62 and the distal edges 86 of the inward portion 82 of the unitary waistcap/waistband 78 overlap at at least four points or

areas which are designated corner points 110, or along at least one line at each intersection zone (col. 4, line 65 to col. 5, line 4). The overlapping barrier cuffs 62 and the unitary waistcap/waistband 78 provide a containment pocket (see Fig. 1 and col. 5, lines 12-15). However, as shown in Fig. 1 of Robertson, the pocket formed by the barrier cuffs 62 and the waistcap/waistband 78 only extends to the waistband securement 94 and to the edge attachment 98. Under no circumstance do the lateral sides of the pocket extend beyond the edge attachment 98 (see Figs. 1 and 2). This is true regardless of the extent of the waistcap/waistband 78 discussed, for example, in col. 13, line 52 to col. 14, line 22. Thus, Robertson fails to disclose a pocket beyond the first and second lines of attachment in the transverse direction of the article, as recited in independent claims 1 and 15, and therefore fails to overcome the deficiencies of Suzuki.

Olsson also fails to overcome the deficiencies of Suzuki. Olsson discloses an absorbent article having transverse folds 20' and 21' (see Fig. 9). In one embodiment, the transverse folds 20' and 21' can be combined with longitudinal folds 20 and 21 (see Fig. 1) to provide barriers along each edge of the article (see col. 11, lines 63-67). The Office Action asserts that the embodiment including the transverse folds 20' and 21' combined with longitudinal folds 20 and 21 results in the configuration of the rear barrier, side barriers and pocket recited in independent claims 1 and 15. However, the embodiment including all four folds would simply result in the folds being joined to each other at respective inner folds 25 "attachment lines" (as best shown in Fig. 5 of Olsson). Thus, any pocket formed by the combination of a longitudinal fold and transverse fold 20 would not extend beyond

the inner folds 25 ("attachment lines") in the transverse direction of the article as recited in independent claims 1 and 15.

One skilled in the art would have readily understood from at least Applicant's Figs. 1-3 that the claimed pocket provides the advantage of being wider in the rear portion of the article than a pocket extending only to, and not beyond, lines of attachment. The combination of applied references fail to disclose or suggest the claimed combination of features and the resulting benefits.

Thus, the combination of applied references fails to disclose, and would not have rendered obvious, the combination of features recited in the independent claims, including, an absorbent article including a rear barrier formed in the rear portion and attached to the article along the rear edge of the article, and that a first side barrier is secured to the cover sheet of the article to form a first line of attachment, and a second side barrier is secured to the cover sheet to form a second line of attachment, the first and second lines of attachment extending under the rear barrier, and the first and second side barriers forming a pocket with the rear barrier, the pocket extending to the rear edge of the article and beyond the first and second lines of attachment in the transverse direction of the article, as recited in independent claim 1 and similarly recited in independent claim 15. Therefore, independent claims 1 and 15 are patentable over the applied references.

Claims 3-13 are patentable over the applied references at least by virtue of their dependence from patentable independent Claim 1. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time. Withdrawal of the rejections is respectfully requested.

**VI. Conclusion**

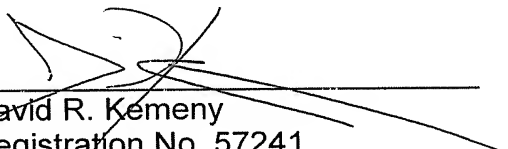
In view of the above, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections and objections, and to allow the present application. In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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